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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of:

**THOMAS JOSEPH SMITH, M.D.**  
85 Via La Cumbre  
Greenbrae, CA 94904-1344

Physician's and Surgeon's Certificate  
No. G16260

Respondent.

Case No. 800-2017-035876

**STIPULATION FOR SURRENDER OF  
LICENSE**

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the  
above-entitled proceedings, that the following matters are true:

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).
2. Thomas Joseph Smith, M.D. (Respondent) has carefully read and fully understands the effect of this Stipulation.
3. Respondent acknowledges that Complainant has served him with an Order Compelling Psychiatric and Mental Examination. Respondent further acknowledges and agrees that he suffers from a degenerative medical condition that renders him unable to safely practice medicine. Respondent agrees that based on this condition, cause exists for the Board to take action against his physician's and surgeon's certificate pursuant to Business and Professions Code section 822.
4. Respondent is aware of each of his rights, including the right to a hearing, the right to confront and cross-examine witnesses who would testify against Respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest any charges and allegations, and other rights which are accorded Respondent pursuant to the California

Administrative Procedure Act (Gov. Code, §11500 et seq.) and other applicable laws, including the right to seek reconsideration, review by the superior court, and appellate review.

5. In order to avoid the expense and uncertainty of a disciplinary proceeding and hearing, Respondent freely and voluntarily waives each and every one of these rights set forth above. Respondent hereby agrees to surrender Physician's and Surgeon's Certificate No. G16260.

6. Respondent understands that by signing this Stipulation he is enabling the Board to accept the surrender of his license without further process, as provided by section 11415.60(b) of the Government Code.

7. Upon acceptance of the Stipulation by the Board, Respondent understands that he will no longer be permitted to practice as a Physician and Surgeon in California, and also agrees to surrender and cause to be delivered to the Board both his license and wallet certificate before the effective date of the Decision.

8. Respondent hereby represents that he does not intend to seek relicensure or reinstatement as a Physician and Surgeon. Respondent fully understands and agrees, however, that if Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a Petition for Reinstatement, and the Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the Petition is filed. Case Report No. 800-2017-035876, including all referenced attachments and other exhibits, and any additional attachments, and other exhibits, that may be generated subsequent to the filing of the surrender of license, shall be admissible as direct evidence, and any time based defenses, such as laches or any applicable statute of limitations, shall be waived when the Board determines whether to grant or deny the Petition.

9. Respondent understands that this document may be disclosed to the public, and/or the National Practitioner Data Bank and/or the Federation of State Medical Boards.

#### ACCEPTANCE

I, Thomas Joseph Smith, M.D., have carefully read the above Stipulation and enter into it freely and voluntarily, with the full knowledge of its force and effect, do hereby surrender Physician's and Surgeon's Certificate No. G16260, to the Medical Board of California. By

1 signing this Stipulation for Surrender of License, I recognize that upon its formal acceptance by  
2 the Board, I will lose all rights and privileges to practice as a Physician and Surgeon in the State  
3 of California, and I also will cause to be delivered to the Board both my license and wallet  
4 certificate before the effective date of the Decision.

5 Thomas Smith

6 THOMAS JOSEPH SMITH, M.D.

7 Respondent

Sept 10, 2019  
Date

8 Mary Jane Pera  
9 Attorney or Witness

Sept 10, 2019  
Date

10 Kimberly Kirchmeyer  
11  
12 Kimberly Kirchmeyer  
13 Executive Director  
14 Medical Board of California

October 10, 2019  
Date